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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,789	06/07/2006	Yohei Hasegawa	040405-0378	5929

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FOLEY AND LARDNER LLP
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WASHINGTON, DC 20007

EXAMINER

ZHAO, WEI

ART UNIT	PAPER NUMBER
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2475

MAIL DATE	DELIVERY MODE
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09/21/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	<p>Application No. 10/576,789</p>	<p>Applicant(s) HASEGAWA ET AL.</p>	
	<p>Examiner WEI ZHAO</p>	<p>Art Unit 2475</p>	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 07 September 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: 1-57.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/DANG T TON/
Supervisory Patent Examiner, Art Unit 2475

/Wei Zhao /
Examiner, Art Unit 2475

Continuation of 3. NOTE: On pages 9-10 of the Response with respects to claim 1, Applicants assert the prior art doesn't teach "a memory; and a processor, wherein the processor is configured to execute instructions stored in the memory to divide original data into a plurality of blocks, and store information within a header for restoring the plurality of blocks to the original data."

The prior art teaches that in the implementation of the server 104, the storage of data blocks is separated from the index used to locate the blocks, as is also apparent from FIG. 1. More particularly, blocks are stored in an append-only log on storage element 116, the storage element being in the form of a RAID array of magnetic disk drives (paragraph [0041] lines 1-6, Dorward et al.). FIG. 2 is a simplified block diagram of one possible implementation of the server 104. In this implementation, the server 104 includes a processor 200 coupled to a memory 202 and to a network interface 204. The memory 202 may comprise elements 110, 112, 114 and 116 of the server 104, and may be distributed over multiple distinct storage devices. Moreover, memory 202 stores one or more software programs which are executable by the processor 200 in conjunction with provision of the archival data storage techniques described herein (paragraph [0025] lines 1-10, Dorward et al.). The prior art further teaches that data blocks are of variable size, up to a current limit of 52 Kbytes, but since blocks are immutable they can be densely packed into an arena without fragmentation. Each data block is prefixed by a header, denoted headers.sub.0, header.sub.1, etc., that describes the contents of the corresponding block (Examiner's Notes: this feature has the same function of "wherein the processor is configured to execute instructions stored in the memory to divide original data into a plurality of blocks, and store information within a header for restoring the plurality of blocks to the original data" as described in the current application). The primary purpose of the block header is to provide integrity checking during normal operation and to assist in data recovery (paragraph [0043] lines 1-9, Dorward et al.).

Based on the fact, Examiner respectfully disagrees that the prior art cited does not teach the independent claim 1 as mentioned by applicants. The elements of independent claims 6, 17, 22, 33 and 38 that Applicants argue are similar to claim 1's, so the cited passages also teach claims 6, 17, 22, 33 and 38. Furthermore, the cited passages teach dependent claims 2-5, 7-16, 18-21, 23-32, 34-37, and 39-57 as well.